

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 28, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Fellers; Council Members: Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; City Clerk: Teresa Meier; Absent: Camp.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of March 21, 2016, reported having done so, found same correct.

Seconded by Lamm & carried by the following vote; AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

**PUBLIC HEARING**

APPOINTING LEIDY ANDERSON TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A TERM EXPIRING DECEMBER 31, 2018 - Leidy Anderson, 235 South 11th, came forward and requested approval.

Leirion Gaylor Baird, Council Member, inquired about her background.

Ms. Anderson said her background is in banking, and she is currently working at Cabela's. She has lived in Lincoln, Nebraska for the past 7 months and loves being apart of the community. This board interests her because they have an ERM (Enterprise Risk Management) Program and this is in her field. Discussion followed.

This matter was taken under advisement.

APPLICATION OF HOME GROCERY EXPRESS, INC. DBA GALA EVENTS FOR A CLASS I LIQUOR LICENSE AT 2602 PARK BOULEVARD;

MANAGER APPLICATION OF JEFFREY B. ROTHGEB FOR HOME GROCERY EXPRESS, INC. DBA GALA EVENTS AT 2602 PARK BOULEVARD - Jeffrey Rothgeb, and Lisa Rothgeb, 7607 Brummond Drive, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF BROOKE L. SCHUMACHER FOR WADSWORTH OLD CHICAGO, INC.

DBA OLD CHICAGO AT 826 P STREET - Brooke Schumacher, 7320 South 18th, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS LK LIQUOR LICENSE AT 500 WEST SOUTH STREET, SUITE 8 TO 925 ROBBERS CAVE ROAD;

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE AT 500 WEST SOUTH STREET, SUITE 8 TO 925 ROBBERS CAVE ROAD - Brian Podwinski, 9322 South 28th Street, came forward and requested approval.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1-15, 2016 - Bruce Prenda, 2737 Shadowbrook Dr., came forward and stated he has made a claim for repair to his vehicle from pothole damage. Mr. Prenda felt the photo's he had taken would show the hole had been filled prior to his claim being submitted on February 16th. In the denial letter from the City, it was stated the first notice received for this pothole was February 16, and that report came from Mr. Prenda so the claim was being denied. Mr. Prenda said it is unreasonable to believe that the City did not have prior knowledge of this pothole, since the pictures show this hole had been filled prior, and it appeared that it was not properly filled. Mr. Prenda said he is renewing his claim in the amount of \$399.18 for damages, an increase of \$33 dollars for labor he had forgotten to add to the original claim. Discussion followed.

Richard Webb, 5631 Prescott Ave., came forward and stated on February 2 we had a snow storm, on February 3 they came and plowed our road. As the snow started melting, he noticed that some grass was turned up, showing the snow plow had come up and scraped the lawn and took out a sprinkler. Filed a claim with the City and received a letter saying the City is not liable for damage to items in the right-of-way area. Mr. Webb said he feels the City want us to take care of this area and have grass in that region and a sprinkler system to keep the grass living, and feels this should not be part of the exemption the City does not hold themselves responsible for. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 16001 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "9<sup>TH</sup> & O REDEVELOPMENT PROJECT" TO INCLUDE THE CONSTRUCTION OF A NEW, MIXED-USE BUILDING OF APPROXIMATELY 12 STORIES CONSISTING OF RESIDENTIAL, HOTEL, AND PARKING USES, ON PROPERTY GENERALLY LOCATED ON THE NORTH HALF OF THE BLOCK SOUTH OF O STREET BETWEEN 9<sup>TH</sup> AND 10<sup>TH</sup> STREETS AND ADJACENT 9<sup>TH</sup>, 10<sup>TH</sup>, O AND N RIGHT-OF-WAY - David Landis, Urban Development Director, came forward and stated this plan conformance amendment is amending the Downtown Comprehensive Plan to the Lincoln Center Redevelopment Plan. This plan is consistent with the Downtown Master Plan, South Haymarket Neighborhood Plan, and the B4 Zoning. The land use for commercial, residential, and business purposes like a garage, are consistent with downtown B4 uses. The developer has control of the land and is costing out their options currently, and this might make a difference on how much of the plan amendment is brought forward. The TIF varies from \$8 Million to \$10 Million dollars depending on how much of that investment being considered is in fact carried out. If it was to be carried out it would be 2 hotels, 50 residential units, and 4 floors of parking. Relocation obligations between the existing tenants and landlords are being carried out, and will not occur during the pendency of the redevelopment agreement.

Leirion Gaylor Baird, Council Member, inquired why the relocation does not apply to this project since one business was relocated to make way for this project.

Mr. Landis stated that no business is relocated as part of the redevelopment agreement. The owners of the land have given proper notice to the tenants and there is currently no agreement with the redeveloper. When we do have an agreement with the developer there will no longer be tenants that would be affected by the agreement. Discussion followed.

Roy Christensen, Council Member, inquired about public improvement associated with this project and what the total cost is for the improvements.

Mr. Landis said the developers have looked at their projected costs at this preliminary stage, and said in comparing to items that the City has previously agreed to do, they believe they can identify \$18 Million dollars of TIF expenses. Discussion followed.

Cyndi Lamm, Council Member, stated she has concerns because we have an abstract project in mind without any definite structure, exactly what is going to take place, or how much it is going to cost. Number three on the papers states the redevelopment project would not be economical without the use of TIF funding, how do we know that.

Mr. Landis said when the developer does request help from the City we go through the TIF Law to make sure the law is followed, we do not have a history of when we have said no, because those projects do not get done. Discussion followed.

Peter Bleed, 1315 North 37th Street, came forward today on behalf of the Preservation Association of Lincoln (PAL), they feel that 9th and O Street area is an important historic area. The land to be developed on this corner is surrounded on all sides by properties that have been nationally recognized as historically important. This spot deserves careful attention, it is very likely that this building and the land involved in this project contains material and other things that deserve to be documented before they are carelessly destroyed. They are hoping that this project will make sure that the new building fits with its historic neighbors.

Mr. Landis stated the projected review for this project is both by Urban Design Committee and the Historic Preservation Commission in a joint session, we are expecting this to take place towards the end of April. The project area is within 300 feet of a Historic District, and that triggers the Historic Preservation Commission review as well. Discussion followed.

This matter was taken under advisement.

ASSESSING LIENS FOR COSTS OF TWO DANGEROUS BUILDING DEMOLITIONS ON THE PROPERTIES GENERALLY LOCATED AT 1709 NORTH 29<sup>TH</sup> STREET AND 336 SOUTH 27<sup>TH</sup> STREET, AND ASSESSING LIENS FOR COSTS OF REGISTRATION FEES AND PENALTIES FOR NEGLECTED BUILDINGS ON THE PROPERTIES GENERALLY LOCATED AT 1609 SOUTH 27<sup>TH</sup> STREET, 226 SOUTH 29<sup>TH</sup> STREET, 2217 NORTH 67<sup>TH</sup> STREET, 1344 D STREET, 3015 N STREET, 3275 HITCHCOCK, 7030 YOSEMITE DRIVE, 4543 ST. PAUL, 1405 NORTH 15<sup>TH</sup> STREET, 2000 WEST VAN DORN STREET, 659 SOUTH 19<sup>TH</sup> STREET, 2511 R STREET, 2125 SOUTH 14<sup>TH</sup> STREET, AND 1709 NORTH 29<sup>TH</sup> STREET - John Boies, Building & Safety, came forward and stated they are assessing the costs, registration fees, and penalties for neglected properties. This process requires the properties to be registered every 90 days, and we are asking these cost be placed in a lien against the properties. Four of the listed properties have paid the assessments and should be removed from the list. Discussion followed.

Roy Christensen, Council Member, inquired about the last property on the list, the assessment is \$14,200.00 dollars, at what point do we take action other than putting liens on them.

Mr. Boies said when it reaches a category of dangerous, and it becomes a nuisance, then the City has the authority to remove the property and demolish it. Discussion followed.

Mr. Christensen asked how close are we to taking down some of these properties.

Mr. Boies said when a property continues to deteriorate it will be moved from the neglected list and placed on the dangerous list, so these neglected building have not reached that category.

Jane Raybould, Council Member, inquired about the process for neglected properties.

Mr. Boies said every 90 days you would be sent a notice telling you the City has declared your building a neglected building, then you have 30 days to file your registration and if you do not the City would register that building. That registration would be good for 90 days, so the next 90 days another notice is sent out and either the owner can register or the City will, this process continues for 2 years. Discussion followed.

Pavel Kislyak, address unknown, came forward and stated he was a former resident at 1334 D Street, Apt B4, who had made complaints about the living conditions of this building.

This matter was taken under advisement.

APPROVING A MAINTENANCE AGREEMENT BETWEEN THE CITY OF LINCOLN AND ACCELA FOR SOFTWARE SUPPORT AND UPDATES FOR THE ACCELA AUTOMATION SYSTEM FOR A THREE YEAR TERM - Steve Henderson, Information Services Director, came forward and stated Accela is used to manage and issue permits to businesses throughout the City. A three year agreement will lower the cap for the annual price increase to 5%, typically the one year agreements have been 10% or more for the annual increases.

Leirion Gaylor Baird, Council Member, inquired what the saving would be in dollars.

Mr. Henderson said roughly \$24,000.00 dollars in savings over the course of three years.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LEXIS-EXIS FOR ELECTRONIC LEGAL RESEARCH FOR A PERIOD OF APRIL 1, 2016 THROUGH MARCH 31, 2020 WITH AN OPTION TO RENEW FOR ONE ADDITIONAL YEAR - Jeff Kirkpatrick, City Attorney, came forward and stated this is for legal electronic service, and this contract will save the City \$14,000.00 dollars over the next four years.

Cyndi Lamm, Council Member, inquired if staff would need to be trained on this system, and if there was a cost for the training.

Mr. Kirkpatrick said the company will provide training as part of the contract, along with phone support for staff.

This matter was taken under advisement.

SPECIAL PERMIT 15072 - APPEAL OF MARK ANTONSON FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL TO DEVELOP A COMMUNITY UNIT PLAN FOR 3 LOTS WITH UP TO 582 MULTI-FAMILY UNITS, WITH WAIVERS TO INCREASE THE BUILDING HEIGHT FROM 35 FEET TO 40 FEET AND REDUCE THE FRONT YARD SETBACKS ADJACENT TO PRIVATE ROADWAYS FROM 25 FEET TO 15 FEET, ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 30<sup>TH</sup> STREET AND WEST A STREET - Mark Antonson, 1521 Southwest 30th Street, came forward and stated he is appealing the resolution for this project that states it would not adversely affect the nearby neighborhoods or the safety of the area. Mr. Antonson is not asking for the denial of this special permit, but he is wanting it to be conditional and tied to the completion of improvements to West A Street. West A Street is already in poor condition and it is a public safety concern, then your wanting to add additional drivers to the area of road that has already been identified as substandard. Mr. Antonson would like, at the very least, milling, resurfacing, and widening of the shoulders. Discussion followed.

Leirion Gaylor Baird, Council Member, inquired about the time line for completion of the roads in this area, since Mr. Antonson had noticed conflicting dates.

Randy Hoskins, Public Works, came forward and stated there was funding for the West A project at the last CIP meeting for 2018-2019, but this was not full funding for the project. They will be bringing forward a new CIP that will show full funding for the West A Street. This project is not going to be completed in the time frame that was first suggested in the CIP which was 2018-2019, he feels this will not be completed until 2021-2022.

Ms. Raybould asked why the waiver had been granted for this project.

Mr. Hoskins stated they asked for a waiver for a portion of the right turn lane into the site, and that is a waiver that is regularly granted, it is considered the extra storage distance on the turn lane. This is a left turn lane into the site and only 20% of the traffic will come from the west, plus there will be another access area further down if the development out here continues. It does state if the improvements to West A Street on 30th Street have not been completed by the construction of the 31st Street turn lane by the City, the developer would at that time be required to put in the left turn lane on Southwest 30th Street. Discussion followed.

Ms. Gaylor Baird inquired what portion of the road will be done earlier in 2018-2019 that the neighbors can expect.

Mr. Hoskins said there would be temporary turn lanes put in for the time being. When the developer puts in a drive way, they will be required to put in the right turn lane. This will accommodate the west bound traffic turning into this area, the rest of this project would be completed by the City.

Carl Eskridge, Council Member, stated that 5 years is a long time to wait for street completion and sidewalks.

Mr. Hoskins stated that they have looked into this, and so far they have not found a good solution for this area with all of the ditches. Discussion followed.

Ms. Raybould stated the neighborhood meeting they voiced concerns with the roads in this area and needing repair work. Will there be more discussions with the developer concerning the roads.

**REGULAR MEETING  
MARCH 28, 2016  
PAGE 494**

Lyle Loth, REGA Engineering Group, 601 Old Cheney Road, Suite A, came forward on behalf of Scott Anderson for Anderson Homes, Inc., they share the same concerns that the neighbors have with sidewalks in the area and the roads. Mr Loth also expressed concerns about the CIP for this area not being until 2021-2022, and stated they had thought they were looking at 2018-2019 for the roads. Discussion followed.

Ms. Raybould asked if there was money in the budget for milling up parts of the road in this area in the short term.

Thomas Shafer, Interim Director Public Works, came forward and stated they have committed all of their funds for 2016, and a lot of the funds for 2017. Mr. Shafer thought about dragging a rut box through there, and filling up the ruts, but will need to cost this out and see how it compares to the other projects that are ongoing. Discussion followed.

Mr. Antonson stated that this seems like the wrong road and in the wrong place for this. He also feels it is clear this section of Lincoln is not Public Works priority, nor, does it seem to be anywhere on the top half of the list. Discussion followed.

Ms. Gaylor Baird asked what was involved in the decision making for this project with our infrastructure lagging behind, and why the department is behind this, with where we stand with the roads.

Mr. Cary stated the information on the current CIP is referencing where we have the funding listed. To be clear, what we are committing to is the first two years, the budget years, in the CIP Program, the other four years are representative of the intention of doing projects. What we are working on now is getting the full funding in the CIP for the next 6 years. We do not have the funding to get all of the road work done that needs to be done. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) SETTING OUT DUTIES AND FUNDING RESPONSIBILITIES FOR THE SAFETY PROJECT AT 56<sup>TH</sup> AND YANKEE HILL ROAD FEDERAL AID PROJECT. (PROJECT NO. HSIP-5241(6), CN 13347) - Randy Hoskins, Public Works, came forward and stated this is a safety grant to be used to make improvement at this intersection. The intersection has been the sight for two fatal crashes in the past, we are hoping to get this going to make this intersection a safer intersection. Discussion followed.

This matter was taken under advisement.

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND OLSSON ASSOCIATES TO UPDATE THE NEPA EVALUATION AREA AND DOCUMENTATION DUE TO PROJECT LIMITS BEING ADJUSTED FOR THE SOUTH 17<sup>TH</sup> STREET TRAFFIC SIGNALS PROJECT. (PROJECT NO. LCLC-5227(8), CN 13261, CITY PROJECT NO. 702697) - Randy Hoskins, Public Works, came forward and stated there was a change in the scope of the project which requires us to have a slight change in our consultants. Since this is a federally funded project, we were required to bring it back through the process.

This matter was taken under advisement.

SPECIAL PERMIT 04016A – APPEAL OF DEREK SCHROEDER AND DEREK ZIMMERMAN FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL TO CONSTRUCT A MULTI-STORY, CLIMATE-CONTROLLED INDOOR SELF-STORAGE BUILDING AND INCREASE THE ALLOWABLE FLOOR AREA TO 197,200 SQ. FT., ON PROPERTY GENERALLY LOCATED AT NORTHWOODS DRIVE AND COLBY STREET - DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of Dino's Storage, requesting one more week delay.

Brock Zautke, 2000 Connor Place, came forward and stated he is speaking for the neighbors that are in opposition to Dino's Storage. They have about 165 names on a petition in opposition of this project. This special permit would impact property values, resale, and they are requesting that this project gets voted on tonight. Discussion followed.

Jane Raybould, Council Member, inquired if the neighbors have offered suggestions of what they would accept with visual changes to this project.

Mr. Zautke stated the building is too large, much larger than other buildings in this area like the strip malls and the residential area. If this project fails, based on the size of the building, there is not enough space in the area to put parking to repurpose the area. Discussion followed.

Donna Boone, 1833 Sawyer Street, came forward and stated that she is on the Board of the Northern Lights Townhome Division, and feels if this building project is not a success it could possibly cause a blight in the area, it is a single use establishment. Discussion followed.

This matter was taken under advisement.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2015 AND DECEMBER 2015 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - Jeff Kirkpatrick, City Attorney, came forward and stated through the course of a year the Council passes a number of changes to our City Code. Once a year required by code the City Council needs to approve the codified version of all the ordinance changes.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN HAYMARKET DEVELOPMENT CORPORATION TO CONDUCT AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREET AND P STREET FROM 7TH TO 8TH STREET FROM MAY 7, 2016 THROUGH OCTOBER 15, 2016; Q STREET FROM 7TH TO CANOPY STREET AND CANOPY STREET FROM P TO Q STREET FROM MAY 7, 2016 THROUGH OCTOBER 15, 2016; AND ON 8TH STREET FROM P TO Q STREET FROM MAY 7, 2016 THROUGH AUGUST 27, 2016 - David Landis, Urban Development Director, came forward and stated that this contract is the same as last years and asks for the adoption of the contract.

Linda Hubka, 3169 Puritan Ave., came forward to answer questions and ask for the adoption of the contract. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING LEIDY ANDERSON TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A TERM EXPIRING DECEMBER 31, 2018 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89567 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Leidy Anderson to the Lincoln Electric System Administrative Board, for a term expiring December 31, 2018, is hereby approved.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY 29, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89568 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended February 29, 2016 \$155,669.75 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON MARCH 14, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE APPLICATION OF RUPERT ENTERPRISES LLC DBA T'S STOP & SHOP FOR A CLASS D LIQUOR LICENSE AT 2801 O STREET. (UPGRADE FROM A CLASS B) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89569 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Rupert Enterprises LLC dba T's Stop & Shop, for a Class D Liquor License at 2801 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE APPLICATION OF HOLLENBECK FARMS LLC DBA HF CRAVE FOR A CLASS A LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

**REGULAR MEETING  
MARCH 28, 2016  
PAGE 496**

A-89570 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Hollenbeck Farms LLC dba HF Crave, holder of a Class A Liquor License at 2801 Pine Lake Road, Suite W.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE APPLICATION OF VAL LIMITED DBA VALENTINO'S FOR A CLASS C LIQUOR LICENSE AT 2820 PINE LAKE ROAD, SUITE 1 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89571 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Val Limited dba Valentino's, for a Class C Liquor License at 2820 Pine Lake Road, Suite 1.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE APPLICATION OF E & T LLC DBA BISON WITCHES BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 1320 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89572 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of E & T LLC dba Bison Witches Bar & Grill, for a Class C Liquor License at 1320 P Street, Suite 100.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE FOOD STORE AT 5010 O STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89573 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 5010 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE GAS AT 250 NORTH 52<sup>ND</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89574 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Gas at 250 North 52<sup>nd</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE FOOD STORE AT 1601 NORTH 84<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89575 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 1601 North 84<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE GAS AT 1515 NORTH 84<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89576 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 1515 North 84<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE FOOD STORE AT 5020 NORTH 27<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89577 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 5020 North 27<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE RESTAURANT AT 5020 NORTH 27<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89578 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Restaurant at 5020 North 27<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE FOOD STORE AT 6001 VILLAGE DRIVE - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89579 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 1006 Village Drive.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

**REGULAR MEETING  
MARCH 28, 2016  
PAGE 498**

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE FOOD STORE AT 7151 STACY LANE - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89580 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 7151 Stacy Lane.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 11, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF ROB A. REIF FOR HY-VEE INC. DBA HY-VEE GAS AT 7101 PIONEERS BOULEVARD - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89581 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 11, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Rob A Reif for Hy-Vee Inc. dba Hy-Vee Food Store at 7101 Pioneers Blvd.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

**REFERRED TO THE PLANNING DEPARTMENT:**

CHANGE OF ZONE NO. 16007, REQUESTED BY PADEN DALY, FROM R-1 (RESIDENTIAL DISTRICT) TO R-2 (RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED AT 4811 BRADOCK COURT.

CHANGE OF ZONE NO. 16009, REQUESTED BY LINCOLN FEDERAL BANCORP, FROM AG (AGRICULTURE DISTRICT) TO R-3 (RESIDENTIAL DISTRICT), TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION, ON PROPERTY GENERALLY LOCATED AT SOUTH 33RD STREET AND WILDERNESS HILLS BOULEVARD.

SPECIAL PERMIT NO. 16005, REQUESTED BY COREY BECKER, TO ALLOW FOR PLACEMENT OF A TEMPORARY MOBILE HOME DURING CONSTRUCTION OF NEW HOME, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF NW 12TH STREET AND ROCK CREEK ROAD.

SPECIAL PERMIT NO. 16007, REQUESTED BY BRUCE DAVIDSON, TO ALLOW FOR THE RECONSTRUCTION AND EXPANSION OF AN EXISTING GARAGE, ON PROPERTY GENERALLY LOCATED AT 1821 SOUTH 13TH STREET.

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

ADMINISTRATIVE AMENDMENT NO. 15126 TO CHANGE OF ZONE NO. 09011, SOUTHLAKE PLANNED UNIT DEVELOPMENT, APPROVED BY THE PLANNING DIRECTOR ON MARCH 10, 2016, REQUESTED BY OLSSON ASSOCIATES, TO REVISE THE LAND USE TABLE TO REFLECT A RESIDENTIAL HEALTH CARE FACILITY ON LOT 2, BLOCK 1 AND LOT 1, BLOCK 2, TO REVISE THE LOT LAYOUT AND ROADWAY ALIGNMENTS, AND FOR WAIVERS TO DESIGN STANDARDS FOR PRIVATE ROADWAYS TO ALLOW A SIDEWALK ON ONLY ONE SIDE OF A PORTION OF SPRING TIDE DRIVE, TO OMIT THE TANGENT LENGTH BETWEEN HORIZONTAL CURVES ON A PRIVATE ROADWAY, AND TO REDUCE THE NUMBER OF REQUIRED STREET LIGHTS TO THREE, GENERALLY LOCATED AT SOUTH 91<sup>ST</sup> STREET AND HIGHWAY 2.

ADMINISTRATIVE AMENDMENT NO. 16013 TO USE PERMIT NO. 58G, WILLIAMSBURG VILLAGE, APPROVED BY THE PLANNING DIRECTOR ON MARCH 14, 2016, REQUESTED BY REGA ENGINEERING, TO DIVIDE THE EXISTING AREA 26 INTO FOUR AREAS AND AMEND THE LAND USE TABLE TO SHOW ALLOTTED SQUARE FOOTAGE AND COMMERCIAL USES FOR THE NEW AREAS, GENERALLY LOCATED AT UNION DRIVE AND PLANTATION DRIVE.

ADMINISTRATIVE AMENDMENT NO. 16014 TO SPECIAL PERMIT NO. 585C, QUAIL VALLEY COMMUNITY UNIT PLAN, APPROVED BY THE PLANNING DIRECTOR ON MARCH 14, 2016, REQUESTED BY MBAAPARTMENTS56, LLC, TO ADJUST THE HEIGHT FROM 35' TO 45' FOR TWO PROPOSED APARTMENT BUILDINGS IN THE R-4 ZONING DISTRICT, GENERALLY LOCATED AT SOUTH 56<sup>TH</sup> STREET AND SHADY CREEK COURT.



ADMINISTRATIVE AMENDMENT NO. 16012 TO SPECIAL PERMIT NO. 06030, CHARLESTON HEIGHTS COMMUNITY UNIT PLAN, APPROVED BY THE PLANNING DIRECTOR ON MARCH 15, 2016, REQUESTED BY OLSSON ASSOCIATES, TO LOWER THE MINIMUM OPENING ELEVATIONS WITHIN BLOCKS 10 AND 11 ADJACENT TO OUTLOTS B AND C, AND TO UPDATE THE CULVERT ANALYSIS TABLES, GENERALLY LOCATED AT NORTH 14<sup>TH</sup> STREET AND HUMPHREY AVENUE.

ADMINISTRATIVE AMENDMENT NO. 16006 TO FINAL PLAT NO. 14087, BOULDER RIDGE 6<sup>TH</sup> ADDITION, APPROVED BY THE PLANNING DIRECTOR ON MARCH 16, 2016, REQUESTED BY REGA ENGINEERING, TO ACCEPT THE AFFIDAVIT OF SURVEYOR TO CORRECT TYPOGRAPHICAL ERRORS ON THE FINAL PLAT, GENERALLY LOCATED AT SOUTH 84<sup>TH</sup> STREET AND BARKLEY DRIVE.

### LIQUOR RESOLUTIONS

APPLICATION OF HOME GROCERY EXPRESS, INC. DBA GALA EVENTS FOR A CLASS I LIQUOR LICENSE AT 2602 PARK BOULEVARD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89582 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Home Grocery Express, Inc. dba Gala Events for a Class "I" liquor license at 2602 Park Boulevard, Lincoln, Nebraska, for the license period ending April 30, 2016, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen

Seconded by Gaylor Baird & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF JEFFREY B. ROTHGEB FOR HOME GROCERY EXPRESS, INC. DBA GALA EVENTS AT 2602 PARK BOULEVARD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89583 WHEREAS, Home Grocery Express, Inc. dba Gala Events located at 2602 Park Boulevard, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeffrey B. Rothgeb be named manager;

WHEREAS, Jeffrey B. Rothgeb appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeffrey B. Rothgeb be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen

Seconded by Gaylor Baird & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF BROOKE L. SCHUMACHER FOR WADSWORTH OLD CHICAGO, INC. DBA OLD CHICAGO AT 826 P STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89584 WHEREAS, Wadsworth Old Chicago, Inc. dba Old Chicago located at 826 P Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Brooke L. Schumacher be named manager;

WHEREAS, Brooke L. Schumacher appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Brooke L. Schumacher be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen  
Seconded by Gaylor Baird & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS LK LIQUOR LICENSE AT 500 WEST SOUTH STREET, SUITE 8 TO 925 ROBBERS CAVE ROAD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89585 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Blue Blood Brewing Company, Inc. dba Blue Blood Brewing Company, to move its presently licensed premises and existing Class “LK” liquor license from 500 West South Street, Suite 8 to 925 Robbers Cave Road, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.  
BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen  
Seconded by Gaylor Baird & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS C LIQUOR LICENSE AT 500 WEST SOUTH STREET, SUITE 8 TO 925 ROBBERS CAVE ROAD - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption for approval:

A-89586 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Blue Blood Brewing Company, Inc. dba Blue Blood Brewing Company, to move its presently licensed premises and existing Class “C” liquor license from 500 West South Street, Suite 8 to 925 Robbers Cave Road, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.  
BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Roy Christensen  
Seconded by Gaylor Baird & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

**PUBLIC HEARING - RESOLUTIONS**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1-15, 2016 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89587 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the claims listed in the attached report, marked as Exhibit "A", dated March 16, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Leanne Edwards	\$ 378.91	Lindsay Carnrick	\$ 500.00
Bruce Prenda	366.18	Julia Mayer-Adams	928.80
Carolyn & Ceyenna Barnhill	156.95	Jeffrey & Ruth Gunther	350.00
Tracy McCants	100.00	Rachel King	178.44
Randy & Jean Hinton	NAS*	August Carlson	1,388.57
Gweneth Ritchie	127.00	Kari McConkey	1,907.44
Daniel Murphy	165.96	Shane Williams	290.98
Mat Campbell	1,328.16	Sergey Gevorkov	1,851.50
Richard & Amy Webb	244.25	Julie Nicewonger	3,100.00
Bob Servedio o/b/o Pinehurst Inc.	240.75	Zainab Abail	369.12

\* No Amount Specified  
The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge  
Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

COMP. PLAN CONFORMANCE 16001 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "9<sup>TH</sup> & O REDEVELOPMENT PROJECT" TO INCLUDE THE CONSTRUCTION OF A NEW, MIXED-USE BUILDING OF APPROXIMATELY 12 STORIES CONSISTING OF RESIDENTIAL, HOTEL, AND PARKING USES, ON PROPERTY GENERALLY LOCATED ON THE NORTH HALF OF THE BLOCK SOUTH OF O STREET BETWEEN 9<sup>TH</sup> AND 10<sup>TH</sup> STREETS AND ADJACENT 9<sup>TH</sup>, 10<sup>TH</sup>, O AND N RIGHT-OF-WAY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89588 WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within the Redevelopment Plan area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "9<sup>th</sup> & O Redevelopment Project" for the redevelopment of land, generally located on the north half of the block south of O Street between 9<sup>th</sup> and 10<sup>th</sup> Streets and adjacent 9<sup>th</sup>, 10<sup>th</sup>, O, and N right-of-way with a new, mixed-use building of approximately 12 stories consisting of residential, hotel, and parking uses; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Redevelopment Plan contained in the document entitled "9<sup>th</sup> & O Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 2012); and

WHEREAS, on February 19, 2016, a notice of public hearing was mailed postage prepaid to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose of the public hearing to be held on March 2, 2016 before the Lincoln City - Lancaster County Planning Commission regarding the proposed amendments to the Redevelopment Plan to add the 9<sup>th</sup> & O Redevelopment Project, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the proposed Amendments to the Lincoln Center Redevelopment Plan to add the 9<sup>th</sup> & O Redevelopment Project were submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and, on March 2, 2016, the Lincoln-Lancaster County Planning Commission held a public hearing relating to the Plan Amendments and found the Plan Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on March 4, 2016 a notice of public hearing was mailed postage prepaid to the foregoing list of governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on March 28, 2016 regarding the proposed amendments to the Redevelopment Plan to add the 9<sup>th</sup> & O Redevelopment Project, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on March 11, 2016 and March 18, 2016, a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place, and purpose of the public hearing to be held on March 28, 2016 regarding the proposed amendments to the Lincoln Center Redevelopment Plan and to add the 9<sup>th</sup> & O Redevelopment Project, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on March 28, 2016 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the 9<sup>th</sup> & O Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will promote the general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the 9<sup>th</sup> & O Redevelopment Project into the Lincoln Center Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

3. That the 9<sup>th</sup> & O Redevelopment Project would not be economically feasible without the use of tax-increment financing.

4. That the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

**REGULAR MEETING  
MARCH 28, 2016  
PAGE 502**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the document attached hereto as Attachment “A” adding the 9<sup>th</sup> & O Redevelopment Project to the Lincoln Center Redevelopment Plan, is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan as they relate to the above-described modifications.

3. That the 9<sup>th</sup> & O Redevelopment Project Area as described and depicted in the Plan Amendment is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents needed for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements, and other activities set forth in said Plan Amendment to the Lincoln Center Redevelopment Plan.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

ASSESSING LIENS FOR COSTS OF TWO DANGEROUS BUILDING DEMOLITIONS ON THE PROPERTIES GENERALLY LOCATED AT 1709 NORTH 29<sup>TH</sup> STREET AND 336 SOUTH 27<sup>TH</sup> STREET, AND ASSESSING LIENS FOR COSTS OF REGISTRATION FEES AND PENALTIES FOR NEGLECTED BUILDINGS ON THE PROPERTIES GENERALLY LOCATED AT 1609 SOUTH 27<sup>TH</sup> STREET, 226 SOUTH 29<sup>TH</sup> STREET, 2217 NORTH 67<sup>TH</sup> STREET, 1344 D STREET, 3015 N STREET, 3275 HITCHCOCK, 7030 YOSEMITE DRIVE, 4543 ST. PAUL, 1405 NORTH 15<sup>TH</sup> STREET, 2000 WEST VAN DORN STREET, 659 SOUTH 19<sup>TH</sup> STREET, 2511 R STREET, 2125 SOUTH 14<sup>TH</sup> STREET, AND 1709 NORTH 29<sup>TH</sup> STREET - PRIOR to reading:

ESKRIDGE Moved to Amend Bill No. 16R-56 by amending Exhibit “A” Notice of Assessment-Cost, For Neglected Building Registration and Demolitions list, by removing properties located at 1344 D Street, 659 South 19<sup>th</sup> Street, 1405 North 15<sup>th</sup> Street, and 2511 R Street.

Seconded by Christensen & carried by the following vote; AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89589 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Sections 21.05.190 and 21.09.100 of the Lincoln Municipal Code, Demolition costs and Neglected Building Registration costs as shown on the list which is attached hereto, marked as Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after March 28, 2016, and draw interest as provided for in Neb. Rev. Stat. § 45-104.01 for assessments. The City Clerk is instructed to record this resolution with the Lancaster County Register of Deeds and return the recorded lien to Christopher J. Connolly, Assistant City Attorney.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

APPROVING A MAINTENANCE AGREEMENT BETWEEN THE CITY OF LINCOLN AND ACCELA FOR SOFTWARE SUPPORT AND UPDATES FOR THE ACCELA AUTOMATION SYSTEM FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89590 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Maintenance Agreement between the City of Lincoln and Accela for software support and updates for the Accela Automation System for a three year term, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same and any associated amendments or renewals on behalf of the City of Lincoln.

The City Clerk is directed to send one fully executed Maintenance Agreement to Jim Anderson, Systems Coordinator, Information Services, for transmittal to Accela.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, AND LEXIS-NEXIS FOR ELECTRONIC LEGAL RESEARCH FOR A PERIOD OF APRIL 1, 2016 THROUGH MARCH 31, 2020 WITH AN OPTION TO RENEW FOR ONE ADDITIONAL YEAR - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89591 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached agreement between the City of Lincoln, Lancaster County and Lexis-Nexis for electronic legal research for a period of April 1, 2016 through March 31, 2020 with an option to renew for one additional year, in accordance with the terms and conditions contained in said agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Steve Huggenberger, Assistant City Attorney, for transmittal to Lexis-Nexis.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 15072 - APPEAL OF MARK ANTONSON FROM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL TO DEVELOP A COMMUNITY UNIT PLAN FOR 3 LOTS WITH UP TO 582 MULTI-FAMILY UNITS, WITH WAIVERS TO INCREASE THE BUILDING HEIGHT FROM 35 FEET TO 40 FEET AND REDUCE THE FRONT YARD SETBACKS ADJACENT TO PRIVATE ROADWAYS FROM 25 FEET TO 15 FEET, ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 30<sup>TH</sup> STREET AND WEST A STREET - PRIOR to reading:

RAYBOULD Moved to Amend Bill No. 16R-59 to place a conditional restriction of up to only 432 dwelling units instead of the 582 multi-family units requested.

Second by Gaylor Baird.

LAMM Moved to Table Bill No. 16R-59 to vote on later in the meeting.

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

RAYBOULD Withdrew her previous motion.

RAYBOULD Moved to Amend Bill No. 16R-59 as follows:

1. On page 2, line 15, strikeout 582, and insert "432".

2. On page 2, line 17, after the word "feet." insert "Upon completion of a project on West "A" from West City Limits to Coddington, that improves the capacity and safety of the roadway, the Community Unit Plan is approved for up to 582 dwelling units."

Seconded by Eskridge & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89592 WHEREAS, Anderson Homes, Inc. has submitted an application designated as Special Permit No. 15072 for authority to develop a Community Unit Plan for 3 lots with up to 582 multi-family units, with waivers to increase the building height from 35 feet to 40 feet and reduce the front yard setbacks adjacent to private roadways from 25 feet to 15 feet, on property generally located at Southwest 30<sup>th</sup> Street and West A Street and legally described as:

Lot 45 I.T. and Lot 102 I.T., located in the Southeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on February 17, 2016 on said application and adopted Resolution No. PC-01482 conditionally approving the same; and

WHEREAS, Mark Antonson has filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Special Permit No. 15072; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Special Permit No. 15072; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Anderson Homes, Inc., hereinafter referred to as "Permittee", to develop a Community Unit Plan for 3 lots with up to 582 multi-family units, with waivers to increase the building height from 35 feet to 40 feet and reduce the front yard setbacks adjacent to private roadways from 25 feet to 15 feet, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a Community Unit Plan for up to ~~582~~ 432 dwelling units with waivers to increase the building height from 35 feet to 40 feet and reduce the front yard setbacks adjacent to private roadways from 25 feet to 15 feet. Upon completion of a project on West "A" from West City Limits to Coddington, that improves the capacity and safety of the roadway, the Community Unit Plan is approved for up to 582 dwelling units.

2. The City Council approves associated requests:
  - a. Annexation #15014
  - b. Change of Zone #15036
  - c. Amendment of Comp. Plan #15004
3. Final plat(s) must be approved.
4. Before receiving approval of a final plat:
  - a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions as listed below:
    - i. Update the site plan to show an increased setback of 10 feet on the west side of the development to provide adequate space for landscaping west of the garages that will act as a buffer to future residential uses.
    - ii. Revise the site plan note regarding the temporary access point to state, "Temporary Access to be removed at time of connection of Rabbit Run Road to a street(s) which connect to West A Street."
    - iii. Delete General Notes 7 and 17 on the site plan.
    - iv. Delete General Note 16 on the site plan. Due to constraints on the site from floodplain, minimum flood corridor and sanitary sewer service, administrative amendments will be required to revise the site plan.
    - v. Add to the General Notes, "Multi-family dwellings higher than 35 feet must be set back at least 40 feet from the west property line."
    - vi. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation."
    - vii. On the site plan, the right-of-way dedication should be shown to also include the dedication of the existing 33 feet of statutory road easement along West A Street.
    - viii. On the grading plan, delete Roads A through I, as these are all private driveways and do not need to be named.
    - ix. Update the Street Profile sheets to show only profiles for Rabbit Run Road and Southwest 30th Street.
    - x. Make any other necessary revisions to the plans to the satisfaction of the Watershed Management division of Public Works and Utilities.
    - xi. Public Works and Utilities has approved the request to waive the requirement to provide a left turn lane in West A Street for the permanent access at Southwest 30th Street based on the fact that West A Street is shown in the Capital Improvement Program for construction which will include a left turn lane in West A Street. If the improvements to West A Street have not been constructed at the time the Southwest 31st Street access is constructed and the temporary access is removed, a left turn lane at Southwest 30th Street must be constructed by the developer at that time.
    - xii. The storage length requirement for the permanent access at Southwest 30th Street was waived by Public Works and Utilities on the condition that the applicant provide a 250-foot deceleration length and taper.
  - b. Prior to building permit approval:
    - i. A floodplain permit is required prior to any building permit or any grading within the floodplain area.
    - ii. Prior to approval of the floodplain permit, obtain an approved Conditional Letter of Map Revision with Fill (CLOMR-F) through FEMA for removal of the development area in the floodplain. A Letter of Map Revision with Fill (LOMR-F) is required prior to obtaining a building permit for any buildings in Lot 3 (lot located in floodplain).
    - iii. Prior to approval of the floodplain permit, three soil borings that are representative of the compensatory storage must be taken. They should be at least six feet deep (hand augured borings are acceptable). Soil logs and depth to ground water need to be recorded and submitted with the floodplain permit.
  - c. Before a final plat is approved Permittee must provide the following documents to the Planning Department:
    - i. Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
    - ii. Verification that ornamental street lights for private roadways are approved by L.E.S.
    - iii. Verification that an aviation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

- iv. Verification that a surety in the amount of \$10,000.00 has been posted for grading associated with the compensatory storage.
- v. Verification that the necessary conservation easement has been included within the final plat dedication or conveyed to the City through a separate conservation easement.

5. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

6. The public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow, or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

7. The Permittee, as Subdivider, enters into a Subdivision Agreement with the City wherein:

- i. Permittee agrees to complete the street paving of public streets shown on the final plat within two years following the approval of this final plat.
- ii. Permittee agrees to complete the paving of private roadway shown on the final plat within two years following the approval of this final plat.
- iii. The Permittee agrees to complete the installation of sidewalks along both sides of Southwest 30th Street and Rabbit Run Road as shown on the final plat within four years following the approval of the final plat.
- iv. The Permittee agrees to pay a sum in an amount to be determined by Public Works and Utilities to the City of Lincoln for the construction of the sidewalk along the north side of West A Street.
- v. The Permittee agrees to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two years following the approval of the final plat.
- vi. The Permittee agrees to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two years following the approval of the final plat.
- vii. Permittee agrees to complete land preparation, including storm water detention/retention facilities and open drainageway improvements, to serve this plat prior to the installation of utilities and improvements but not more than two years following the approval of the final plat.
- viii. Permittee agrees to complete the installation of public street lights along West A Street within this plat within two years following the approval of the final plat.
- ix. The Permittee agrees to complete the installation of private street lights along Southwest 30th Street and Rabbit Run Road within this plat within two years following the approval of the final plat.
- x. The Permittee agrees to pay an amount to be determined by Parks and Recreation for the installation of street trees along West A Street within this plat to be installed at the time the street is improved to urban cross section.
- xi. Permittee agrees to complete the planting of the street trees along Southwest 30th Street and Rabbit Run Road within this plat within six years following the approval of the final plat.
- xii. Permittee agrees to complete the installation of the street name signs within two years following the approval of the final plat.
- xiii. Permittee agrees to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- xiv. Permittee agrees to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- xv. Permittee agrees to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- xvi. Permittee agrees to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- xvii. Permittee agrees to complete the public and private improvements shown on Special Permit #15072 for a Community Unit Plan.

- xviii. Permittee agrees to keep taxes and special assessments on the outlots from becoming delinquent.
  - xix. Permittee agrees to maintain the outlots on a permanent and continuous basis.
  - xx. Permittee agrees to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.
  - xxi. Permittee agrees to maintain the street trees along the private roadways, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.
  - xxii. Permittee agrees to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.
  - xxiii. Permittee agrees to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.
  - xxiv. Permittee agrees to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
    - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
    - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
  - xxv. The Permittee agrees to pay all design, engineering, labor, material, inspection, and other improvement costs.
  - xxvi. The Permittee agrees to inform all purchasers and users of land located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.
  - xxvii. The Permittee agrees to relinquish the right of direct vehicular access from Lots 1 and 2 to West A Street except as shown on the site plan.
  - xxviii. The Permittee agrees to inform all prospective purchasers and users of land located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.
8. Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
9. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
10. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
11. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
12. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.
13. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) SETTING OUT DUTIES AND FUNDING RESPONSIBILITIES FOR THE SAFETY PROJECT AT 56<sup>TH</sup> AND YANKEE HILL ROAD FEDERAL AID PROJECT. (PROJECT NO. HSIP-5241(6), CN 13347) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89593 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Programming Agreement between the City of Lincoln and the Nebraska Department of Roads (NDOR) setting out duties and funding responsibilities for the Safety Project at 56<sup>th</sup> and Yankee Hill Road Federal Aid Project (Project No. HSIP-5241(6), CN 13347), in accordance with the terms and conditions contained in said Agreement, are hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copy of the Programming Agreement to Devin Biesecker, Engineering Services, Public Works & Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

APPROVING SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF LINCOLN AND OLSSON ASSOCIATES TO UPDATE THE NEPA EVALUATION AREA AND DOCUMENTATION DUE TO PROJECT LIMITS BEING ADJUSTED FOR THE SOUTH 17<sup>TH</sup> STREET TRAFFIC SIGNALS PROJECT. (PROJECT NO. LCLC-5227(8), CN 13261, CITY PROJECT NO. 702697) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89594 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplemental Agreement No. 1 between the City of Lincoln and Olsson Associates to update the NEPA evaluation area and documentation due to project limits being adjusted for the South 17<sup>th</sup> Street Traffic Signals Project, Project No. LCLC-5227(8), Control No. 13261, City Project No. 702697, in accordance with the terms and conditions contained in said Supplemental Agreement No. 1, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Erin Sokolik, Engineering Services, Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 04016A – APPEAL OF DEREK SCHROEDER AND DEREK ZIMMERMAN FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL TO CONSTRUCT A MULTI-STORY, CLIMATE-CONTROLLED INDOOR SELF-STORAGE BUILDING AND INCREASE THE ALLOWABLE FLOOR AREA TO 197,200 SQ. FT., ON PROPERTY GENERALLY LOCATED AT NORTHWOODS DRIVE AND COLBY STREET. (2/29/16 - PUBLIC HEARING & ACTION CONTINUED TO 3/28/16) (PUBLIC HEARING & ACTION CONTINUED TO 4/04/16, 6-0) - PRIOR to reading:

CHRISTENSEN Moved to continue public hearing & action to 4/04/16.

Seconded by Raybould & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

#### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2015 AND DECEMBER 2015 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Carl Eskridge, adopting the supplements to the Lincoln Municipal Code dated June 2015 and December 2015 as part of the official Lincoln Municipal Code, the second time.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN HAYMARKET DEVELOPMENT CORPORATION TO CONDUCT AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREET AND P STREET FROM 7TH TO 8TH STREET FROM MAY 7, 2016 THROUGH OCTOBER 15, 2016; Q STREET FROM 7TH TO CANOPY STREET AND CANOPY STREET FROM P TO Q STREET FROM MAY 7, 2016 THROUGH OCTOBER 15, 2016; AND ON 8TH STREET FROM P TO Q STREET FROM MAY 7, 2016 THROUGH AUGUST 27, 2016 - CLERK read an ordinance, introduced by Carl Eskridge, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public

**REGULAR MEETING  
MARCH 28, 2016  
PAGE 508**

market in the Haymarket area, 7th Street from P to Q Streets; P Street from 7th to 8th Streets; Q Street from 7th to Canopy Streets; and under the Canopy along Canopy Street from P to Q Streets; from May 7, 2016 through October 15, 2016 and on 8th Street from P to Q Street from May 7, 2016 through August 27th, 2016, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

**ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

ANNEXATION 16001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 28.87 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD (RELATED ITEMS 16-21, 16-22) - CLERK read an ordinance, introduced by Roy Christensen, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote; AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#20308**, is recorded in Ordinance Book 30.

CHANGE OF ZONE 16001 - APPLICATION OF ROKEBY HOLDINGS, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND ROKEBY ROAD (RELATED ITEMS 16-21, 16-22) - CLERK read an ordinance, introduced by Roy Christensen, amending the Lincoln Zone District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote; AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

The ordinance, being numbered **#20309**, is recorded in Ordinance Book 30.

**RESOLUTIONS - 1<sup>ST</sup> READING**

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$500,000.00 FROM GENERAL FUND CITY UNASSIGNED DEPARTMENT, CONTINGENCY DIVISION/MISCELLANEOUS OTHER SERVICES AND CHARGES OF THE CITY OF LINCOLN 2015-16 OPERATING BUDGET TO CAPITAL IMPROVEMENT PROJECT 531700 - STORM WATER IMPROVEMENT PROJECTS MATCH IN THE EVENT THE MAY 10TH, 2016 STORM WATER BOND RESOLUTION IS NOT PASSED BY VOTERS IN ORDER TO PROVIDE LOCAL MATCH FUNDING TO THOSE PROGRAMS WHERE PARTNER FUNDING WOULD BE JEOPARDIZED.

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)**

ANNEXATION 16002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 89.59 ACRES AND ADJACENT RIGHT-OF-WAY ON PROPERTY GENERALLY LOCATED AT NORTH 89<sup>TH</sup> STREET AND FREMONT STREET. (RELATED ITEMS: 16-25, 16-26) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05054D - APPLICATION OF STAROSTKA-LEWIS, LLC, TO AMEND THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT OVER APPROXIMATELY 75.81 ACRES OF LAND AND A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT OVER APPROXIMATELY 7.4 ACRES OF LAND, ON PROPERTY GENERALLY LOCATED AT NORTH 89<sup>TH</sup> AND FREMONT STREET. (RELATED ITEMS: 16-25, 16-26) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 16002 - APPLICATION OF LARRY AND CONNIE COFFEY AND PLACZEK PROPERTIES, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 32<sup>ND</sup>

STREET AND WEST O STREET - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

TEXT AMENDMENT 16005 - AMENDING SECTION 26.27.005 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE MINIMUM REQUIRED IMPROVEMENTS WITHIN A FINAL PLAT TO PROVIDE THAT THE CITY MAY ENCOURAGE AND PROMOTE THE INSTALLATION OF NEW MINIMUM REQUIRED IMPROVEMENTS NOT REQUIRED IN A PREVIOUSLY APPROVED FINAL PLAT BY AGREEING TO SUBSIDIZE THE INCREASED COST OF THE NEW MINIMUM REQUIRED IMPROVEMENT IN ACCORDANCE WITH SPECIFIC CRITERIA ADOPTED BY RESOLUTION OF THE CITY COUNCIL; AND REPEALING SECTION 26.27.005 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 16-28, 16R-63) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Section 26.27.005 of the Lincoln Municipal Code relating to the minimum required improvements within a final plat to provide that the City may encourage and promote the installation of new minimum required improvements not required in a previously approved final plat by agreeing to subsidize the increased cost of the new minimum required improvement in accordance with specific criteria adopted by resolution of the City Council and repealing Section 26.27.005 of the Lincoln Municipal Code as hitherto existing, the first time.

TEXT AMENDMENT 16003 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO ADD CHAPTER 3.100, DESIGN STANDARDS FOR OUTDOOR LIGHTING, PROVIDING DESIGN STANDARDS FOR THE INSTALLATION OF OUTDOOR LUMINARIES; REVISING SECTION 3 DEFINITION OF "LUMEN, LUMINAIRE AND MOUNTING HEIGHT"; AMENDING SUBSECTIONS 6.2, 6.3, 6.4, AND 6.7; REPEALING SECTIONS 3, 4, 6, 7, 9, AND 12 OF CHAPTER 3.100 AS HITHERTO EXISTING; AND TO PROVIDE THAT THE CITY MAY REQUIRE LED POST TOP FIXTURES IN EXISTING FINAL PLATS PROVIDED THE CITY PAYS FOR THE INCREASED COST OVER THE APPROVED HSPV POST TOP FIXTURE. (RELATED ITEMS: 16-28, 16R-63) (ACTION DATE: 4/11/16)

CHANGE OF ZONE 16005 - APPLICATION OF AUSTIN REALTY INVESTMENTS FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT AND THE CITY'S REQUEST FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT 225 NORTH COTNER BOULEVARD AND 300 SOUTH 56<sup>TH</sup> STREET RESPECTIVELY. (RELATED ITEMS: 16-30, 16R-62) - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27, of the Lincoln Municipal Code, by changing the boundaries of the districts established as shown thereon, the first time.

PRE-EXISTING USE PERMIT 3AG - APPLICATION OF AUSTIN REALTY INVESTMENTS TO AMEND THE BOUNDARY OF THE GATEWAY MALL USE PERMIT BY ADDING THE PROPERTY AT 225 NORTH COTNER BOULEVARD, FOR AUTHORITY TO CONSTRUCT UP TO 153 UNITS OF MULTI-FAMILY HOUSING OR TO CONSTRUCT UP TO 36,000 SQUARE FEET OF COMMERCIAL SPACE OR ANY CONSTRUCTION THEREOF, INCLUDING WAIVERS TO INCREASE THE MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 55 FEET AND TO REDUCE RESIDENTIAL PARKING REQUIREMENTS FROM 2 TO 1.4 STALLS PER DWELLING UNIT, ON PROPERTY GENERALLY LOCATED AT 225 NORTH COTNER BOULEVARD. (RELATED ITEMS: 16-30, 16R-62) (ACTION DATE: 4/11/16)

APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND PAUL E. VERSAW FOR THE SALE OF CITY OWNED PROPERTY GENERALLY LOCATED AT 1732 NORTH 28<sup>TH</sup> STREET - CLERK read an ordinance, introduced by Leirion Gaylor Baird, approving a Real Estate Purchase Agreement between the City of Lincoln and Paul E. Versaw authorizing the sale of City owned property generally located at 1732 North 28th Street, Lincoln, Nebraska, the first time.

#### **OPEN MICROPHONE**

Teri Pope-Gonzalez, 349 S. 1<sup>st</sup> Street, came forward with comments on various issues.  
This matter was taken under advisement.

Pavel Kislyak, address unknown, came forward with comments on various issues.  
This matter was taken under advisement.

**REGULAR MEETING  
MARCH 28, 2016  
PAGE 510**

## ADJOURNMENT

**8:15 P.M.**

CHRISTENSEN Moved to adjourn the City Council Meeting of March 28, 2016.  
Seconded by Lamm & carried by the following vote; AYES: Christensen, Eskridge, Fellers, Gaylor  
Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp.

Teresa Meier, City Clerk

Rhonda Bice, Office Specialist